

**Panel on Constitutional Affairs
Motion passed under agenda item V
“Briefing by the Chairperson of the Equal Opportunities Commission”
at the meeting on 14 February 2018**

While the Equal Opportunities Commission (“EOC”) is the only statutory body in Hong Kong responsible for promoting and administering affairs relating to equal opportunities, the legal assistance offered by EOC to members of the public over the years has been on the low side, cases involving court proceedings have been rare, a substantial proportion of its legal work has been outsourced, and the administration of EOC is chaotic. Given the aforesaid situation, this Panel urges the Government to set up an independent committee to review the overall operation of EOC and make improvement recommendations, with its membership being drawn from people with anti-discrimination work experience in the legal and academic sectors and in various community groups.

Moved by: Dr Hon Fernando CHEUNG

Response of the Constitutional and Mainland Affairs Bureau

The Equal Opportunities Commission (EOC) has all along been working towards improvement of services and enhancement of efficiency. In the light of feedback from the society and service users, the EOC set up a Review Panel in September 2017 comprising three EOC members (i.e. Dr Maggie KOONG, Dr Trisha LEAHY and Mr Mohan DATWANI) who possess experience in the fields of law or management, in order to steer and oversee two reviews as set out below:

(a) Process Review of Complaint Handling and Legal Assistance Functions

2. The review of complaint handling and legal assistance functions mainly considers whether the EOC’s current process could assist service users effectively. The review will take into account past feedback on complaints handling and legal assistance services, including views from service users, legislative councilors, NGOs and the community.

3. The EOC expects that the review report will offer concrete suggestions and recommendations on improvement measures in various aspects, including analyses on the efficiency and effectiveness of the procedures and the organisation of Complaint Services Division and Legal Service Division, the future work direction of the two divisions, necessary changes to the internal

operational procedures, manpower resources and budgetary requirements. The objective of the review is to further improve the relevant services.

4. To enhance the credibility of the process review, the EOC has invited an ex-High Court Judge to provide high level independent opinion to the Review Panel on a pro bono basis.

(b) Management Structure/Governance Review

5. In 2015, the EOC revamped its management structure, involving the re-alignment of the work of different divisions, the re-ranking of certain senior posts and the reinstatement of the Chief Operations Officer post. The review will assess the effectiveness of the new structure and whether further enhancement is required. The review will also cover governance issues.

6. The EOC expects that the two review reports will be completed by mid-2018. The Constitutional and Mainland Affairs Bureau (CMAB) will seek updates on the progress of the two aforementioned reviews from the EOC at appropriate junctures, and to maintain liaison with the EOC on the support required to follow up on the recommendations.

7. While appointing members to the EOC, the Government has strived to cover a good mix of expertise and representatives from various sectors, including women, persons with disability, ethnic minorities, employers and employees, social services, legal professionals, accounting professionals, academics and education, as well as the community at large, with a view to ensuring that the composition of members could broadly reflect the view points and opinions of the community, thereby facilitating the discharge of the EOC's statutory functions. CMAB takes the view that it is not necessary to separately set up an independent committee at this juncture to review the operation of the EOC.

**Constitutional and Mainland Affairs Bureau
March 2018**